

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Antonio Castaneda,

Plaintiff,

v.

Director of Nursing HDSP,

Defendant.

Case No. 2:22-cv-01789-ART-EJY

ORDER

(ECF No. 1)

On October 26, 2022, Plaintiff submitted an incomplete application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. Plaintiff fails to include a financial certificate and his inmate trust fund account statement for the previous six-month period. Even if Plaintiff has not been at the Nevada Department of Corrections a full six-month period, Plaintiff must still submit both a financial certificate and an inmate account statement for the dates he has been at the facility. 28 U.S.C. § 1915(a)(2); Local Rule LSR 1-2.

To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Id.

IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is DENIED without prejudice.

IT IS FURTHER ORDERED that on or before **December 19, 2022**, Plaintiff must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court’s approved form; (2) a **Financial Certificate** properly

1 signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail**
2 **trust fund account statement for the previous six-month period.**

3 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
4 form application to proceed *in forma pauperis* for inmate along with the information and instructions
5 for filing the same.

6 IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete
7 application to proceed *in forma pauperis* on or before **December 19, 2022** will result in a
8 recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows
9 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with
10 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

11 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
12 but will not file it at this time.

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14 Dated this 17th day of November, 2022.

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17 ELAYNA J. YOUCHAH
18 UNITED STATES MAGISTRATE JUDGE
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